



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,183	07/27/2001	Bruce Huitt	38,146	9613
29569	7590	05/25/2004	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			GIBSON, RANDY W	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/917,183

Applicant(s)

HUITT ET AL

Examiner

Randy W. Gibson

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-12 is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 13 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on July 27, 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: the "Field of the Invention" section on page 2 should not be a U.S. class/subclass, which may change as the claims are amended and/or the U.S. classification system itself is updated and redefined; this section probably should be deleted since a section with a similar heading and in the correct format already appears on page 1. Also, the "Description of Related Art" section on page 2 contains no information and probably should be deleted since it also seems to be a duplicate heading. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bass et al (US # 6,649,849). Bass et al discloses the claimed postal scale including a

Art Unit: 2841

controller (52) which is connected to a weighing platform (Col. 3, lines 29-45) and which can send and receive information via the Internet (Col. 4, lines 12-45).

4. Claims 1, 2, 5, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Vaghi (US # 6,249,778). Vaghi discloses the claimed postal scale including a controller (Col. 3, lines 44-52) which is connected to a weighing platform (Col. 2, lines 56-68) and which can send and receive information via the Internet (Col. 3, lines 53-67). Although not specifically mentioned by Vaghi, dynamic HTML updates of display information in the Internet browser of a PC was known in December of 1998 and would have been recognized by the ordinary practitioner as being inherently present in any web browser that would have been inherently packaged with the Windows<sup>TM</sup> operating system disclosed (claim 5 does not specify that the browser be directly associated with the weighing function).

5. Claims 1, 2, 6, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Kara (US # 5,983,209). Kara discloses the claimed postal scale including a controller (10) which is connected to a weighing platform (Col. 5, lines 28-42; Col. 6, line 62 to col. 7, line 2) and which can send and receive information via the Internet (Col. 5, lines 3-22). Kara does not specifically mention the use of e-mail, but since Kara is intended to send and receive information via the Internet, specifically copies of invoices or statements sent to a customer, and since e-mail was a commonly used method of

communicating via the Internet in October of 1996, the use of e-mail must necessarily been present in the device of Kara.

6. Claims 1, 3, 4, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Gesuita et al (US # 6,566,613). Gesuita et al discloses remotely controlling a weighing/packing machine via the Internet (Col. 4, lines 8-23).

### ***Conclusion***

7. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 9-12 are allowable over the art of record.

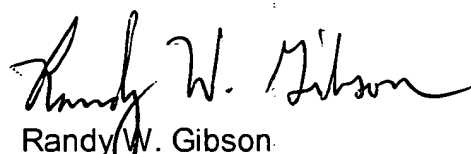
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Barni et al (US # 6,064,981) discloses an Internet web site which allows one to enter shipping data to bid on shipping services. The published application of Bliss et al discloses a scale which automatically e-mails information via the Internet (paragraph 0025). The published application of Miller et al discloses a device similar to the applicant's claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy W. Gibson whose telephone number is (571) 272-2103. The examiner can normally be reached on Mon-Fri., 9-5.

Art Unit: 2841

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David S Martin can be reached on (571) 272-2107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Randy W. Gibson  
Primary Examiner  
Art Unit 2841